

**CITY OF FREDERICK
PLANNING COMMISSION
PROJECT STAFF REPORT**

December 12, 2011

PROJECT INFORMATION

AGENDA ITEM: A.
NAME OF PROJECT: Board of Education Frederick Electronics
TYPE OF PROJECT: FINAL SUBDIVISION PLAT
CASE NUMBER: PC11-106FSU

PROPERTY OWNER: Board of Education
ADDRESS: Thomas Johnson Drive and Hayward Road

APPLICANT: David Beard, Harris Smariga & Associates
ADDRESS: 125 South Carroll Street, Suite 100
Frederick, MD 21701

PHONE NUMBER: (301) 662-4488

REVIEWED BY: Brandon Mark
DATE: December 5, 2011

EXHIBITS: N/A

PROJECT PROPOSAL

The Applicant has proposed a final subdivision plat in order to create Lot 25. In order to create the new lot, Lot 26 will be resubdivided and a portion of land that is currently part of Lot 24 will be added to the new lot. The subject properties are located at the intersection of Thomas Johnson Drive and Hayward Road.

Lot 26 is the site of an existing building most recently used as administrative offices for the Board of Education and Lot 24 a warehouse also owned by the Board of Education. The zoning for the property is Institutional Floating Zone (IST).

BACKGROUND INFORMATION

PRIOR CASES	Case Number & Date of Approval
Annexation	N/A
Zoning Map Amendment	N/A
Sketch Plan	N/A
Master Plan	N/A
Preliminary Subdivision Plan	N/A
Final Subdivision Plan	N/A
Final Site Plan	None
Forest Stand Delineation	N/A
Preliminary Forest Conservation Plan	PC11-598FSCB
Zoning Board of Appeals Cases	N/A
Archeological Assessment	11-629, Approved 11/2/2011

DEVELOPMENT CHARACTERISTICS	Area
Total Lot Area	Lot 24 – 4.652ac Lot 25 – 2.651ac Lot 26 – 4.845ac
Property Zoning	IST
Number & Type of Units	Lot 24 – Existing Metal Warehouse Lot 26 – Existing Brick and Block Building
Roadway Dedication	10' along TJ Drive for all three lots
Open Space (HOA)	N/A
Park Land Dedication	N/A

ENVIRONMENTAL CHARACTERISTICS	Area
Disturbed Lot Area	N/A
Impervious Surface Ratio	N/A
Floodplain on Site	N/A
Disturbed Floodplain	N/A
Nontidal Wetlands on Site	N/A
Disturbed Wetlands	N/A
MDE Permit Required	N/A

FACILITIES AND SERVICE			
Road Name	Comprehensive Plan Classification	ROW	Access Provision
Thomas Johnson Drive	Urban Collector	Variable	250ft
Hayward Road	Urban Collector	70'	N/A

SCHOOLS (existing feeder situation)				
		Equated		Additional
	Name	Enrollment	Capacity	Enrollment
Elementary School	Monocacy Elementary	600	567	0
Middle School	Monocacy Middle	721	860	0
High School	Thomas Johnson High	1924	2091	0

FIRE & RESCUE	
Distance to Fire Service	Junior Fire Company, 3 miles
Distance to Ambulance Service	Junior Fire Company, 3 miles
Approved by City Fire Engineer	Approved, March 11, 2011

LEGAL AGREEMENTS	
Type of Agreement	Date Submitted & Approved by Office of Legal Services
Easement Agreements	N/A
Forest Conservation Agreements	N/A

ARCHITECTURE AND URBAN DESIGN REVIEW				
Applicability	N/A			
Classification				
Building Type	Class	Design Elements Required	Design Elements Met	Design Elements Utilized
Modifications				
Remarks				

NAC	
NAC#	3
Meeting Date	April 11, 2011
Number of Attendees	42
Comments	No comments regarding the proposed subdivision.

APFO		
TYPE	APPLICABILITY	ISSUED (Y/N)
CAPF-WL	Full Approval Section 4-13(b)	Yes, Signed with No Date
CAPF-SL	N/A	
CAPF-R	Exempt Section 4-11(a)(2)	10/25/11
CAPF-SCH	N/A	

STAFF COMMENTS & ANALYSIS

LAND USE

The subject properties are zoned IST and the current uses are permitted in the IST district. However, future transfer of the lots for uses other than those permitted in the IST district will require a zoning map amendment. The base zoning of these properties applied during the most recent comprehensive rezoning of the City was Light Industrial (M1). Per Section 306 of the LMC, an applicant may request that a floating zone be removed from a property and that the zone applied at that the time of comprehensive rezoning be re-applied to the property without documentation of "change or mistake." Accordingly, the properties will most likely be rezoned M1 in the future if they are no longer reserved for institutional purposes. As such, during the review of this plat, an analysis of the existing conditions was conducted in order to confirm that potential zoning violations were not being created under the M1 regulations.

The Applicant has indicated that the new lot, Lot 25, will be the site of a new fire station in the future. If this is the case, the property will be able to retain the IST zoning and future development of the fire station will be subject to the regulations applicable thereto.

LANDSCAPING

Per Section 605(f), a subdivision proposal is required to provide street trees on collector roads at a density of 1/100ft on center. Currently there are street trees along Thomas Johnson Drive adjacent to the subject properties that meet the requirement.

UTILITIES

The existing and resulting lot areas are required to have separate water connections. The plat has depicted a connection for County sewer and City water to the proposed Lot 25.

STAFF RECOMMENDATION

Staff recommends unconditional approval of Final Subdivision Plat PC11-106FSU.

**CITY OF FREDERICK
PLANNING COMMISSION
PROJECT STAFF REPORT**

December 12, 2011

PROJECT INFORMATION

AGENDA ITEM: B.
NAME OF PROJECT: Board of Education Frederick Electronics
TYPE OF PROJECT: Combined Forest Stand Delineation and Preliminary Forest Conservation Plan
CASE NUMBER: PC11-598FSCB

PROPERTY OWNER: Board of Education
ADDRESS: Thomas Johnson Drive and Hayward Road

APPLICANT: David Beard, Harris Smariga & Associates
ADDRESS: 125 South Carroll Street, Suite 100
Frederick, MD 21701

PHONE NUMBER: (301) 662-4488

REVIEWED BY: Brandon Mark
DATE: December 5, 2011

EXHIBITS: Forest Conservation Fee-In-Lieu Justification Statement

PROJECT PROPOSAL

The Applicant has proposed a combined forest stand and preliminary forest conservation plan for Lots 25 and 26 of the Frederick Electronics subdivision proposal, totaling 7.70 acres.

BACKGROUND INFORMATION

PRIOR CASES	Case Number & Date of Approval
Annexation	N/A
Zoning Map Amendment	N/A
Sketch Plan	N/A
Master Plan	N/A
Preliminary Subdivision Plan	N/A
Final Subdivision Plan	PC11-106FSU
Final Site Plan	None
Forest Stand Delineation	

Preliminary Forest Conservation Plan	
Zoning Board of Appeals Cases	
Archeological Assessment	

DEVELOPMENT CHARACTERISTICS	Area
Total Lot Area	Lot 24 – 4.652ac Lot 25 – 2.651ac Lot 26 – 4.845ac
Property Zoning	IST
Number & Type of Units	Lot 24 – 1 Existing Metal Warehouse Lot 26 – Existing Brick and Block Building
Roadway Dedication	10' along TJ Drive for all three lots
Open Space (HOA)	N/A
Park Land Dedication	N/A

ENVIRONMENTAL CHARACTERISTICS	Area
Disturbed Lot Area	N/A
Impervious Surface Ratio	N/A
Floodplain on Site	N/A
Disturbed Floodplain	N/A
Nontidal Wetlands on Site	N/A
Disturbed Wetlands	N/A
MDE Permit Required	N/A

FACILITIES AND SERVICE			
Road Name	Comprehensive Plan Classification	ROW	Access Provision
Thomas Johnson Drive	Urban Collector	Variable	250ft
Hayward Road	Urban Collector	70	N/A

SCHOOLS (existing feeder situation)				
	Name	Equated Enrollment	Capacity	Additional Enrollment
Elementary School	Monocacy Elementary	600	567	0
Middle School	Monocacy Middle	721	860	0
High School	Thomas Johnson High	1924	2091	0

FIRE & RESCUE	
Distance to Fire Service	Junior Fire Company, 3 miles
Distance to Ambulance Service	Junior Fire Company, 3 miles
Approved by City Fire Engineer	Approved, March 11, 2011

LEGAL AGREEMENTS	
Type of Agreement	Date Submitted & Approved by Office of Legal Services
Easement Agreements	N/A
Forest Conservation Agreements	N/A

ARCHITECTURE AND URBAN DESIGN REVIEW				
Applicability	N/A			
Classification				
Building Type	Class	Design Elements Required	Design Elements Met	Design Elements Utilized
Modifications				
Remarks				

NAC	
NAC#	3
Meeting Date	April 11, 2011
Number of Attendees	42
Comments	No comments regarding the proposed subdivision.

APFO		
TYPE	APPLICABILITY	ISSUED (Y/N)
CAPF-WL	Full Approval Section 4-13(b)	Yes, Signed with No Date
CAPF-SL	N/A	

CAPF-R	Exempt Section 4-11(a)(2)	10/25/11
CAPF-SCH	N/A	

STAFF COMMENTS & ANALYSIS

The subject forest plan is being filed in conjunction with the final plat application for the resubdivision of Lot 26 to create Lot 25 and the transfer of property from Lot 24 to the new Lot 25. Forest conservation requirements were not applicable at the time that the original lots were created; however, the proposed subdivision activity at this time triggers the forest conservation requirements of Section 721, "Forest Conservation" While Lot 24 is subject to the subdivision plat, forest conservation is not required for the entire area of Lot 24 at this time under the real estate transfer exemption of Section 721(a)(7)(L). Only the portion of Lot 24 being added to Lot 25 is being mitigated by this plan.

Per Section 721 of the LMC, the 7.70 acre property is required to mitigate for 1.155 acres (15%) of the property. Per Section 712(b)(7)(b) if an Applicant subject to Forest Conservation demonstrates that the requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished, the person shall contribute money, at a rate of thirty (30) cents per square foot of the area of required planting into the Frederick City Forest Conservation Fund. The Applicant has proposed to pay fee in lieu for the 1.155 acres of forest planting requirements to the Forest Conservation Fund in the amount of \$15,093.54.

Staff has received a justification statement from the Applicant describing the necessity to mitigate through fee-in-lieu payment rather than on-site or offsite afforestation. Staff concurs that onsite afforestation in this scenario is not the most practical mechanism for meeting the forest conservation requirements. There are no priority areas on site, such as floodplains, steep slopes, etc., nor is there the need to buffer this use from the surrounding uses. In addition, the size of the resulting forested area would not provide significant environmental benefits.

STAFF RECOMMENDATION

Staff recommends approval of the combined Forest Stand Delineation and Preliminary Forest Conservation plan for the payment of fee in lieu of totaling \$15,093.54.

Facilities Services Division
191 South East Street
Frederick, MD 21701
301-644-5025 phone
301-644-5027 fax
www.fcps.org



Ray Barnes, Executive Director
ray.barnes@fcps.org

November 18, 2011

Ms. Meta Nash, Chairman
Frederick City Planning Commission
City of Frederick Municipal Annex
140 West Patrick Street
Frederick, MD 21701

RE: PC-11598-FSCB Lots 24, 25, 26, Section One, Frederick Electronics

Dear Ms. Nash and Commission members;

The Combined Forest Stand Delineation/ Forest Conservation Plan (PC-11598-FSCB) prepared by Harris Smariga and Associates for the 7.7 acres located on Hayward Road and Thomas Johnson Drive includes a Forest Conservation Worksheet which indicates the total planting requirement (afforestation) for this site is 1.155 acres .

This Institutionally zoned property is currently improved with two buildings, 7630 Hayward Road and 33 Thomas Johnson Drive, with associated parking and other paved areas. There are only scattered mulberry trees along the western property line and street trees along both frontages but no forest on site. There a 30 foot sewer easement along the western property line that will preclude extensive plantings there. There is no floodplain on site and no forest on adjacent property to enhance or extend.

The open portion of this tract, 2.67 acre Lot 25, is to be transferred to Frederick County for a future fire station after it is declared surplus by the Board of Education. Plans for the fire station have not been finalized but a concept plan has been prepared and it appears that opportunities to create new forest are limited by the planned fire station building, parking and large circular drive for fire trucks to maneuver and storm water management area.

Natural Resources Article, Section 5-1607 (a) of the Annotated Code of Maryland sets forth the priorities for providing afforestation. The first is enhancing existing forest which is not possible as there is no forest on our site.

The second priority in the preferred sequence for afforestation is on-site planting. Natural Resources Article, Section 5-1607 (d) gives guidance on priority locations for planting. Those include; increasing existing forest corridors, establishing forest buffers, planting to enhance critical habitats, planting along floodplains and on steep slopes. None of the priority areas are present on this tract and it is our belief that the characteristics of this property described above do not make it feasible to provide our required amount of afforestation on-site.

The third priority for the sequence of afforestation described is off- site afforestation in the same watershed or in accordance with an approved master plan. The priority locations of Section 5-1607 (d) noted above also apply to off -site afforestation.

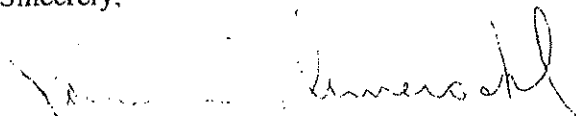
FCPS will explore off- site afforestation in priority planting areas on one or more properties already owned by the Board of Education. However the evaluation of properties suitable for this amount planting will take some time to accomplish. FCPS is presently working towards an overall goal of increasing tree canopy cover on BOE facilities system wide and this requirement may be incorporated into that initiative .

Therefore I respectfully request that PC-11598-FSCB be approved with the understanding that FCPS staff will evaluate nearby BOE property for suitable sites for off- site afforestation. If one or more locations can be identified a Forest Conservation Plan (s) or will be prepared for approval and planting off -site will be provided. We understand that the total area planted off site must be at least 1.155 acres but that may occur in several appropriate locations.

However, if that search does not yield results we respectfully ask that the Commission allow us to undertake the fourth and final priority in the sequence for afforestation which is payment into the forest conservation fund. It is not certain that a suitable off site location or locations will found and if that is the case we will pay the required \$15,093.54 contribution to the Frederick City Forest Conservation Fund.

I will attend the workshop and can address your questions at that time or you can email me at jshmersahl@fcps.org .

Sincerely;



James A. Schmersahl
Special Projects Planner
Frederick County Public Schools

**CITY OF FREDERICK
PLANNING COMMISSION
PROJECT STAFF REPORT**

December 12, 2011

PROJECT INFORMATION

AGENDA ITEM:
NAME OF PROJECT:
TYPE OF PROJECT:
CASE NUMBER:

D.
Worman's Mill PND
PND Master Plan
PC11-493PND

PROPERTY OWNER:

Wormald Development Company
C/o Mr. Edward Wormald
5283 Corporate Drive, Suite 300
Frederick, MD. 21703

ADDRESS:

**CONTRACT
PURCHASER/
DEVELOPER:**

See Property Owner

ADDRESS:

PHONE NUMBER:

(301) 695-6614

APPLICANT:

Piedmont Design Group, LLC
C/o Mr Mike Wiley

ADDRESS:

5283 Corporate Drive, Suite 300
Frederick, MD. 21703

PHONE NUMBER:

(301) 695-6614

**PROPERTY
LOCATION:**

Waterside Drive and Monocacy Boulevard

REVIEWED BY:

Jeffrey D. Love

DATE:

December 5, 2011

EXHIBITS:

Modification Request Letter

PROJECT PROPOSAL

The Applicant is requesting approval for a revision to the previously approved Master Plan for the Worman's Mill PND.

The Applicant is also requesting a modification to allow for a zero (0') setback along adjoining property lines of parcels within the Village Center as permitted under Section 16.10 of the Zoning Ordinance.

In accordance with Section 910 of the Land Management Code (LMC), the proposed revisions are being reviewed for compliance with the 1986 Zoning Ordinance.

BACKGROUND INFORMATION

PRIOR CASES	Case Number & Date of Approval
Annexation	Wormald Northern 3/20/86
Concept Plan	N/A
Planned Neighborhood Development	Initial Plan-FPC86-69 Revisions- 92-05(R), 92-05(R2), PC07-343PND
Preliminary Subdivision Plan	Many beginning with FPC 87-13
Final Subdivision Plan	Many beginning with FS88-53
Final Site Plan	Many beginning with FPC 88-13
Forest Stand Delineation	N/A
Preliminary Forest Conservation Plan	N/A

LOT CHARACTERISTICS	Area
Total Lot Area	306.8 acres
Property Zoning	R4
Number & Type of Units	1,497
Roadway Dedication	Not Applicable
Open Space (HOA)	7.23 acres
Park Land Dedication	73.0 acres

PHYSICAL CHARACTERISTICS	Area
Total Lot Area	306.8 acres
Disturbed Lot Area	N/A
Floodplain on Site	Yes
Disturbed Floodplain	No
Nontidal Wetlands on Site	Not within LOD
Disturbed Wetlands	N/A
MDE Permit Required	No

FACILITIES AND SERVICE		
Road Name	Classification	Access Provision
Monocacy Blvd	Urban Primary Arterial	Full Movement

SCHOOLS (existing feeder situation)				
		Equated		Additional
	Name	Enrollment	Capacity	Enrollment

Elementary School	Walkersville Elementary	543	488	N/A
Middle School	Walkersville Middle	867	1051	N/A
High School	Walkersville High	1284	1197	N/A

ARCHITECTURE AND URBAN DESIGN REVIEW				
Applicability	N/A			
Classification				
Building Type	Class	Design Elements Required	Design Elements Met	Design Elements Utilized
Modifications				
Comments				
Remarks				

NAC	
NAC#	4
Meeting Date	November 10, 2011
Number of Attendees	30-40
Comments	Multiple issues: Previously proposed closure of Merchant Street. Increase in residential density within the Village Center. Heights of proposed structures and proximity to private park.

STAFF COMMENTS & ANALYSIS

As stated in Section 16.01 of the 1986 Zoning Ordinance, *"The purpose of the Planned Neighborhood Development Section is to encourage the integrated and creative design of a variety of land uses and housing types, to minimize street and utility requirements and other factors which increase the cost of development, and to maximize open space and preserve attractive natural features by allowing land to be developed with integrated and/or clustered land uses on the basis of overall density rather than on the basis of conventional minimum lot and yard requirements and the traditional strict segregation of land uses and housing types."*

Section 16.06 of the Zoning Ordinance goes on further to state the review criteria the Commission is to take under consideration in the approval of the PND master plan. This section notes that the Commission should consider the following: *"the consequences of the plan on traffic flow, the economic provision of public services, maintenance of open space and sensitive natural areas, the extent to which the development is planned as a unit, the relationship of activities within the development, and particularly the compatibility of the planned neighborhood with properties not a part of such development."*

While the merits of the Worman's Mill PND have been vetted with the original approval of the master plan, the purpose statement and review criteria still serve to provide the Commission with guidance in the context of the revised master plan presented.

Land Use

The proposed amendments include revisions to the distribution of dwelling units between the various sections of the development. The original Master Plan documented the creation of eight residential sections as well as a Village Center, Town Center, city park, and private recreation area. The total number of dwelling units approved was 1,497 on 306.8 acres, for an overall density of 4.88 units/acre.

The impetus for the master plan revision is the redesign of the Village Center (formerly the "Town Center"). The Applicant has proposed to increase the number of residential units within the Village Center, which has required the Applicant to transfer units from other sections within the PND. This has impacted the design of the other sections and has led to the formation of new Sections 9 and 10. (Section 10 was formerly called the "Village Center", but as noted above that moniker has been placed on the former Town Center.)

The Village Center is currently approved for 122 residential units which are permitted as multifamily or townhouse units. Other permitted uses in the Village Center include: assisted care (domiciliary care), retail, commercial, and restaurant uses. The revised master plan proposes an increase to 171 residential units. The increase requires a transfer of 34 units from former Section 8 and 15 units from Section 10 (former Village Center). While the overall density of the entire PND has not changed, the concentration of density within the Village Center has increased from the previously approved plans. Staff has attempted to calculate the change in density from the previous master plan approvals as consistently as possible in order to make a meaningful comparison. The changes in number of units and density within the Village Center are outlined in the table below:

Plan Case #	Village Center Area	Number of Units	Residential Density
92-05(R2)	9.75 +/- acres*	94	9.64 units/acre*
PC07-343PND	11.12 acres*	122	10.97 units/acre
PC11-493PND	11.12 acres	171	15.38 units/acre

*These numbers are not reflected on the previous plan and in cases are approximated. Due to changes in the extents and the way the area within the Village Center was calculated, staff has attempted to provide comparable density calculations for the number of units and the areas outlined.

Other changes to the Village Center from the previous approval include the inclusion of Block H, Parcel A as part of the “mixed-use” designation and changes to the size and use of Block D, Parcel A. Block H, Parcel A was previously designated as “Town Center, Residential Only” and was to provide only a “Low Profile” development type. The Applicant now intends to utilize this parcel as part of the mixed use concept in conjunction with the remainder of the Village Center and “High Profile” buildings are to be permitted under this plan.

Block D, Parcel A was previously slated entirely as a private park with the possibility of a small ice cream shop component. This parcel is now shown for commercial use as well as a private park. This area will need to be further delineated to separate the two uses on this parcel so as to provide the most accurate representation of the private park area provided therein. Parcel D, Parcel A has also decreased in size from 0.98 acres to 0.89 acres, with the reeducation attributable to an increase in the abutting parcel, Block D Parcel B.

As noted above, Section 9 is newly created under this plan. Section 9 was formerly part of Section 8 and is comprised of 20 units. These 20 units are designated as “High Profile” as they were under the previous approvals.

Section 10 has also been created under this plan. Section 10 is created partially out of Section 7 and the former Village Center and will consist of 15 high profile units. Ten of the units remained after the transfer of units to the new Village Center and five (5) units were acquired from Section 7. The units acquired from Section 7 were previously designated as “Low Profile” units and have been changed to the “High Profile” type. In addition to the residential units indicated above, Section 10 will also include a 0.80 acre private park not previously provided under prior plans.

The Planning Commission should consider the proposed changes in density in the context of the overall development and evaluate if the resulting densities within the revised sections provided is acceptable in that context.

Bulk and Dimensional Requirements

The Planning Commission is also given the authority to approve modifications under Section 16.10 to the setback and yard requirements prescribed under Section 4.03 for PND developments. As such, the Applicant is requesting a modification to setback requirements for abutting parcels within the Village Center. The Applicant has requested that any setback between these abutting parcels be reduced to 0'. This request will affect the shared lot line between Block D, Parcels A and B, as well as, Block C. Parcels A and B. The Applicant has provided a request letter detailing the reasons and purpose of the request. The Applicant notes a desire to provide similar attributes to the older parts of downtown Frederick. This reduction in setbacks will permit architectural design in a similar pattern and allow for integrated buildings and spaces that are pedestrian friendly. Staff is generally supportive of the request and notes that architectural details will be provided for the Commission's review with the final site plan for the Village Center. The

site plan review will allow for the Commission to ensure that these design features are accomplished.

The requested modification above is in addition to the modification approved under previous master plan revision, which allows for a minimum front setback as well as the minimum yard requirement of 12' from the face-of-curb. The Commission has also previously approved several other setback and yard modifications related to the residential lots as indicated on the plans.

Other modifications listed in the Applicant's request letter are to be considered with the preliminary subdivision plat and final site plan revisions as they relate to design elements that are considered under those applications.

STAFF RECOMMENDATION

While being reviewed for compliance with the criteria of the 1986 Zoning Ordinance, the plan must be processed in accordance with the requirements of the Land Management Code (LMC). Per Section 310(f) of the LMC, amendments to Master Plans which require Planning Commission approval must be processed in accordance with the requirements for new Master Plan applications, as such, two public hearings must be held on this application in accordance with Section 310(d). This is the first of the required hearings and as such, no action is required at this time.

CITY OF FREDERICK
PLANNING COMMISSION
PROJECT STAFF REPORT

December 12, 2011

PROJECT INFORMATION

AGENDA ITEM:
NAME OF PROJECT:
TYPE OF PROJECT:
CASE NUMBER:

E.
Urban Wineries
ZONING TEXT AMENDMENT
PC11-599ZTA

APPLICANT:

Richard Griffin, City of Frederick
Economic Development Office

ADDRESS:

101 North Court Street, Frederick, MD 21701

PHONE NUMBER:

(301) 600-6361

REVIEWED BY:

Pam Reppert

DATE:

December 5, 2011

EXHIBITS:

Justification narratives from the Applicant for each section
Draft Ordinance to Section 813, *Commercial Uses in Historic Structures*
Draft Ordinance to Section 607, *Parking and Loading Standards*, and Section 857, *Winery*
Existing Sections of the LMC

PROJECT PROPOSAL

The Economic Development Office of the City of Frederick proposes text amendments to the Land Management Code regarding wineries within the City of Frederick, specificity to include Sections 857, *Winery*, 813, *Commercial Use in Historic Structures*, and 607, *Parking and Loading Standards*.

BACKGROUND INFORMATION

The Applicant is requesting the opportunity for wineries to be permitted as a conditional use within historic structures in any zoning district. In order to make this possible, the Applicant is proposing changes to the criteria for two conditional uses: Section 857, for wineries, and Section 813 for the commercial use of historic structures. The Zoning Board of Appeals is charged with approval of conditional uses under LMC Section 312(a) to protect general neighborhood welfare with appropriate use of land and structures.

In addition, the Applicant is proposing changes to the parking standards for wineries in order to more accurately reflect their operational needs. Under Section 607, *Parking and Loading Standards*, the Applicant and staff have proposed new parking standards for the urban winery based on the complicated and unique characteristics and accessory uses of the principle winery production business.

STAFF COMMENTS & ANALYSIS

Section 813, Commercial Uses in Historic Structures

In the draft ordinance, Section 813 is being repealed and reenacted in its entirety. Currently, Section 813 of the LMC allows for historic structures in any zoning district to be used for specified commercial purposes as a conditional use. The types of uses currently include; restaurant, restaurant with entertainment, antique or gift shop, museum, information center, business or professional offices as well as other functionally similar uses that the ZBA deems appropriate. The Applicant is proposing that wineries be added to this listing.

In analyzing those uses permitted under Section 813, Staff has concluded that one of the purposes of this section is to allow historic structures to be used for tourists and entertainment purposes. Based on Frederick's heritage and the availability of historic resources, it is reasonable to conclude that this conditional use provision was established to allow flexibility in reinvesting into historic properties in a way that allows the general population to enjoy them even in zoning districts where otherwise that would be prohibited. Staff concurs that a winery is a destination for both tourists and residents alike and is a use which complements the uniqueness of historic structures.

At the Planning Commission workshop, some concerns were raised regarding the impact of this provision on residential areas. In order to assist in analyzing this issue, Staff provided the Planning Commission with a list of 29 properties containing historic structures along with a Historic Resource Map showing their locations. This information was to provide insight to the various zones, especially residential, impacted by inclusion of a winery in the historic structures throughout the City, in addition to, the other commercial uses allowed under Section 813.

Other substantive changes to this section clarify the language pertaining to exterior changes or alterations to a historic structure.. Currently, Section 813 states the following,

“additions or changes to the exterior which are not detrimental to the historic character or appearance of the building or its appurtenances or streetscape shall be approved by the Historic Preservation Commission if the structure is in the Historic Preservation Overlay (HPO) district or by the Planning Commission if the structure is located out of the HPO.”

There are several deficiencies with this language including that it does not define “detrimental” nor give any guidance to the Planning Commission for determining when

something is or is not detrimental. Accordingly, Staff is proposing that this decision be made in conjunction with a recommendation from the HPC even when a property is outside of an HPO. In addition, the criteria by which the HPC will be making their recommendation are also stated.

While the proposed language does address the initial review and approval process, the long term preservation of the structure is still not guaranteed. Exterior changes to buildings require only a building permit for staff review; and in theory, any future changes to historic structures regulated under Section 813 which are outside of an HPO may not be thoroughly evaluated. An option for consideration would be additional language under the conditional use provisions which would require that the property be designated with an HPO as a condition of being used for commercial purposes.

Staff is also proposing that one of the criteria that the Board considers for conditional use approval by the required and provided parking for the use. As noted above, a separate ordinance is being proposed which addresses the actual parking requirement for wineries, however, Section 813 is also being revised as a separate criterion to allow for special circumstances surrounding a historic structure and the ability to provide parking to be taken into consideration. Under the proposal, any new commercial use in a historic property is eligible to receive a modification to the standard parking requirements of Section 607 from the ZBA as part of their conditional use approval.

Lastly, Staff is proposing to add reference to the fact that while both restaurants with entertainment and wineries are permitted in historic structures as a conditional use, they are both also subject to the conditional use criteria established specifically for each respective use. With regards to the winery, Staff has stated that wineries are subject to subsections (a) and (c) through (f) of Section 857, Winery. Subsection (b), which limits the proximity of a winery to residentially zoned properties, has intentionally been excluded.

Section 857, Winery

Since a new winery in a historic structure would also have to comply with the provisions of Section 857, Staff has reevaluated this subsection as well to see if amendments are needed to allow for more flexibility in the case of historic sites. The majority of the changes to Section 857 are clerical; however, there are certain changes that should be noted.

- Subsection (b) which currently establishes that wineries cannot be any closer than 500' from a residentially zoned lot is being revised to allow for modifications to be made by the Board. If the Board finds that adequate screening or other circumstances will prevent the winery from having an adverse impact on residential properties, they may waive that requirement. As noted above, this subsection does not apply in the case of historic structures.
- Subsection (c) is being revised to indicate that in approving a winery, the Board will specify the types and times of any special entertainment permitted.

- A new subsection (f) is being added which addresses special events at wineries. Currently Section 867, *Temporary or Seasonal Uses*, permits public assemblies with approval of a zoning permit, however, Table 867-1 only applies to specific zoning districts and will not address scenarios where public assemblies are not otherwise permitted. Accordingly Staff has noted that all wineries, regardless of zoning, must receive approval for special events in accordance with the criteria under Section 867 but that those wineries in residential districts or adjacent to residential districts may not have more than 4 special events per year. Instead of allowing public assemblies in general in all districts, which may be problematic, the special event criterion was specialized for the winery conditional use.
- Subsections (e) and (g) are being deleted which refer to the minimum parking requirements and noise ordinance. These references are redundant as they are mandatory as otherwise stipulated in the code.

Section 607, Parking and Loading Standards

In regard to parking, a winery as a use is a combination of storage, production and retail with possibly other accessory uses. The previous parking requirements for a minimum of 1 space/75 s.f. and a maximum of 1 space/50 s.f. mirrors the requirement for “restaurants with entertainment,” which is a much more intensive use with a greater parking demand than a winery for those reasons. Per Section 857, accessory functions of a winery are limited to a maximum of 40% of the building square footage, leaving the other 60% of the building for the low intensity use of wine production and storage. Staff reviewed the LMC Parking Schedule, Table 607-1, to compare current “production” use parking requirements which are 1 space/1,500 s.f. and “general retail” parking which is 1 space/300 s.f. As a result, the Applicant is proposing a compromising minimum of 1 space/500 s.f. and to change the maximum parking requirement at 1 space/75 s.f. This wider range of parking numbers allows a winery the flexibility to provide parking based on their individual operation and selected accessory uses.

With regard to the increased demand for parking in the case of special events, as noted above, during the zoning permit review process for the temporary use, the Applicant must demonstrate that the special events will not have an adverse impact on the neighborhood, which includes finding parking for the events.

STAFF RECOMMENDATION

Staff supports a positive recommendation to the Mayor and Board of Aldermen for the amendments as proposed.

Justification

In June 2008, the City adopted regulations pertaining to wineries as a conditional use in certain zoning districts of the City of Frederick. Until that time, wineries were largely viewed as rural endeavors, with operations occurring on farms and/or agricultural land dedicated to the growing of grapes and production of wine.

The concept of the "urban winery" is gaining in popularity across the country. When viewed in a more urban context, the winery is much like a micro-brewery in terms of impact on the surrounding neighborhoods. The City's first winery, Frederick Cellars, has now been in operation for more 3 years. Having now observed the function of such uses in urban settings, the Department of Economic Development (DED) feels that this use can be beneficial use within historic structures, supporting the rehabilitation and active use of unique and historic buildings within the community.

Specific Changes – Explanation

In subsection (b), DED proposes to add an exception to the distance ruling for historic structures due to the often unique locations, physical characteristics and site constraints of historic buildings. Additionally, DED is proposing a modification to the distance requirement in all commercial zoning districts. Each building, neighborhood and commercial corridor within the City has different characteristics, and the ability to make modifications on a case by case basis based upon the ability to mitigate impact gives both the City and the business community some flexibility while still protecting residential neighborhoods.

In subsection (c), the accessory uses are already defined in the definition of a winery therefore DED sees no reason to re-define those uses in this section. The addition of the subsections is more of a house-keeping item, placing the details of accessory use requirements under the area where accessory uses are discussed. Subsection b-ii, Food service, again is simply clarifying that a winery is permitted to serve food as allowed and regulated by state winery and local health department regulations. Given the level of regulations tied to wineries and the health department, DED sees no need for additional City regulations/limitations. Subsection b-iii is intended to allow urban wineries the opportunity to host special events as many other uses can, as permitted in the LMC under a temporary use permit. Given the difference between standard indoor entertainment and the occasional large event, the everyday operations of the winery should not be determined by the larger events. However, through a temporary use permit the winery would need to make arrangements for adequate parking, show consideration for surrounding neighborhoods, etc.

Changes to subsection (e), (f) and (g) are merely house-keeping. For (e), staff agreed that the inclusion of a "Winery" parking requirement in Section 607 implicitly means that wineries must meet this standard, and therefore it is duplicative to restate it in this section. For (f), this text has been moved under subsection (b) addressing accessory uses, but otherwise remains the same. For (g), this language has been moved to the new subsection (e), which already addresses the issue of noise.

Ordinance Being Changed – Section 607

Winery:

Minimum Parking Spaces – 1 per 75sf
Maximum Parking Spaces – 1 per 50sf
Bike Parking – 1 per 10 vehicle spaces

Proposed Amendment – Section 607

Winery:

Minimum Parking Spaces – 1 per 500sf
Maximum Parking Spaces – 1 per 75sf
Bike Parking – 1 per 10 vehicle spaces

Justification:

A winery is a unique blend of storage, production and retail/tasting areas as accessory uses. The previous parking requirements mirrored Restaurant with Entertainment, which is a much more intensive use with a greater parking demand. At most, 40% of a winery can be used for accessory use, leaving a minimum of 60% to storage and production. DED and Planning staff used these percentages to find a blend between the current parking requirements for Retail (1 per 300sf) and for Production (1 per 1,500sf), which averaged out to 1 per 500sf. DED is proposing a minimum of 1 per 500sf, yet allowing a maximum of 1 per 75sf which gives the winery the flexibility to provide more parking if necessary based on their business model.

The proposed winery text amendment (changes to Sec 857) permits wineries to host four (4) special events/festivals per year. For those special events, a special event permit is required and adequate parking to accommodate the event must be provided as part of the special event application. Therefore, the parking as suggested here is not intended to meet the parking demand of these special events.

Justification:

Section 813 of the LMC provides a number of options for the adaptive reuse of Historic Structures regardless of zoning to help ensure that such important buildings are preserved through continual use and maintenance. As urban wineries grow in popularity, such a use presents a unique opportunity for the rehabilitation and adaptive reuse of historic structures. Many of Frederick's historic structures are industrial in nature, reflective of Frederick's historically industrial roots. For such structures wineries provide the perfect opportunity to put these industrial buildings back into productive use while providing for a unique tourist attraction and adding to the destination appeal of the community. While a traditional industrial use may be undesirable, a winery is a unique blend of low-intensity production and destination retail. As a conditional use, the Board has the ultimate decision as to whether or not such a use is appropriate for the historic structure in question, while still allowing for greater flexibility for rehabilitation with a desirable use when appropriate.

--DRAFT--

THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN

ORDINANCE NO: _____

LEGISLATIVE HISTORY

PLANNING COMMISSION

PUBLIC HEARING: December 12, 2011

RESOLUTION SUBMITTED
TO MAYOR & BOARD:

MAYOR & BOARD OF ALDERMEN

WORKSHOP:

PUBLIC HEARING:

AN ORDINANCE concerning

Wineries

FOR the purpose of amending the criteria required for wineries as a conditional use and for amending the parking standards applicable to wineries.;

BY repealing and reenacting, with amendments,

Section 857
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

BY repealing and reenacting, with amendments,

Section 607
Appendix A, "Land Management Code"
The Code of the City of Frederick, 1966 (as amended)

SECTION 1. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that The Code of the City of Frederick, 1966 (as amended), Appendix A, "Land Management Code", Section 857 Winery, be repealed and reenacted, with amendments, as follows:

Sec. 857 WINERY

A winery is permitted as a conditional use in certain zoning districts as specified in the Use Matrix - Table 404-1 and subject to compliance with the [following] criteria set forth in this section.

- (a) A winery shall comply with all regulations of the Maryland Annotated Code, Article 2B, and the Frederick County Alcoholic Beverages Regulations, including but not limited to any licensing provisions, and the applicant shall submit copies of all such licenses with the conditional use application.
- (b) Except in the DB and MU zoning districts, the closest point of a winery structure may not be located less than 500 feet from a residentially zoned lot. The Board may waive this criteria if the applicant demonstrates that adequate screening or buffering will be provided by other commercial structures, roadways, or trees to ensure the winery will not have a substantial adverse impact on adjacent neighborhoods or residential properties.
- [(c) No more than forty (40%) percent of the total facility square footage may be used for accessory components of the operation including retail sales, tasting, and events.]
- (c) Live entertainment, retail sales, tasting rooms, food service are permitted as part of the winery operations, however, area dedicated to these uses cannot comprise more than a total of 40% of the total square footage of a winery.
 - i. Entertainment – The Board will specify in its approval of a winery the type of entertainment and days of the week and hours of the day in which entertainment is to be performed. Entertainment which includes sexual conduct, nudity, or obscenity is prohibited.
- (d) The application for a winery as a conditional use must include a scaled building floor plan showing all components of the winery operations [shall be submitted with the application along with] and the square footages of each area. [Such] The floor plan [shall depict at a minimum] must depict the following: ingress and egress points, manufacturing, storage, parking and loading, offices, public areas for tours, tasting, events, restrooms, and retail sales. Any areas outside the building (patios, terraces, plazas, etc.) to be used for events and tastings must also be shown and [dimensioned.] the dimension of these areas provided.
- [(e) Parking as required in § 607 shall be provided and it must be demonstrated that such parking will not have a substantial adverse impact on the adjacent neighborhood or properties.]
- [(f) Live entertainment is permitted. Entertainment which includes sexual conduct, nudity, or obscenity is prohibited. In the application, the applicant shall specify the type of entertainment and days of the week and hours of the day in which entertainment is to be performed.]

[(g)](e) The applicant shall provide guarantees as deemed necessary by the [ZBA] Board that the winery will not constitute a nuisance because of noise or other activities associated with the use. [See LMC Section 319].

(h) Noise levels generated by the operation of the winery may not exceed the levels set forth in § 15-21 et. seq. of the Frederick City Code.]

(f) Special events at a winery are permitted in all zoning districts in accordance with the temporary use provisions of Section 867 for public assemblies. Prior to each event, the applicant must obtain a zoning permit from the Building Department. The permit application must demonstrate that appropriate on or off-site parking arrangements have been made for event parking. The Applicant must also demonstrate that the special event will not have a substantial adverse impact on adjacent properties. In residential districts or on properties abutting residential zoning districts, no more than four special events per year are permitted.

SECTION 2. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that The Code of the City of Frederick, 1966 (as amended), Appendix A, "Land Management Code", Section 607, Table 607-1 Parking Schedule, be repealed and reenacted, with amendments, by changing the "winery" row as follows:

Sec. 607 Parking and Loading Standards

Table 607-1 Parking Schedule

Use	Parking		Minimum Bicycle Parking
	Minimum Parking Spaces	Maximum Parking Spaces	
Winery	1 per [75 sf] <u>500 s.f.</u>	1 per [50 sf] <u>75 s.f.</u>	1 per 10 vehicle spaces

SECTION 3. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION 4. This Ordinance shall take effect on _____ 2011, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

NOTE: [Bold Brackets] indicate material deleted
Underlining indicates material added

APPROVED:

PASSED:

RANDY MCCLEMENT, Mayor

**RANDY MCCLEMENT, President,
Board of Aldermen**

Approved for Legal Sufficiency:

Legal Department

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: _____

LEGISLATIVE HISTORY

PLANNING COMMISSION

PUBLIC HEARING:

December 12, 2011

**RESOLUTION SUBMITTED
TO MAYOR & BOARD:**

MAYOR & BOARD OF ALDERMEN

WORKSHOP:

PUBLIC HEARING:

AN ORDINANCE concerning

Commercial Uses in Historic Structures

FOR the purpose of allowing for the conversion of historically significant structures into certain commercial uses not otherwise permitted in the applicable zoning district; clarifying language; and otherwise pertaining to the commercial use of historically significant structures.

BY repealing

Section 813
Appendix A, "Land Management Code"
The Code of The City of Frederick, 1966 (as amended)

BY adding

Section 813
Appendix A, "Land Management Code"
The Code of The City of Frederick, 1966 (as amended)

SECTION 1. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Section 813 of the Land Management Code, Appendix A of The Code of The City of Frederick, 1966 (as amended), be repealed and and a new Section 813 be added to read as follows:

Sec. 813 COMMERCIAL USE IN HISTORIC STRUCTURES

- (a) Purpose and Applicability.** The purpose of this section is to permit, as a conditional use, the use of a historically significant structure for purposes not otherwise permitted

(either by right or as a conditional use) in the zoning district in which it is located. This section applies in every zoning district except for the downtown business (DB) district.

- (b) **Definition.** For purposes of this section, "historically significant structure" means a structure that is (1) listed on the City's inventory of historic resources within the current Comprehensive Plan; or (2) located in a historic preservation overlay zone.
- (c) **Permitted Uses.** Subject to the requirements of this section 813 and any other applicable regulation, the Board may approve the use of a historically significant structure and any accessory structure on the same lot for any of the following uses: restaurant, restaurant with entertainment, winery, antique or gift shop, museum, cultural center, business or professional office, or any other use functionally similar to one of the foregoing. If the proposed use is permitted by right or as a conditional use in the district in which the historically significant structure is located, then the provisions of Section 813 are not applicable and the use of the structure must be approved in accordance with all other applicable regulations.
- (d) **Review by Historic Preservation Commission and Planning Commission.**
 - (1) **Historically Significant Structures in HPO.** In accordance with Section 423 of this LMC, the Historic Preservation Commission (HPC) shall review any proposed alteration to the exterior of a structure located within a Historic Preservation Overlay (HPO) district.
 - (2) **Historically Significant Structures Not in HPO.**
 - (A) **Recommendation by HPC.** If a historically significant structure is not within an HPO, the HPC shall evaluate the proposed alteration using the Secretary of the Interior's Standards for Rehabilitation and determine whether the alteration will be detrimental to the historic character or appearance of the building, its appurtenances, or the streetscape. Based on its determination, the HPC will forward to the Planning Commission a recommendation as to whether or not the proposed alteration should be approved.
 - (B) **Decision by Planning Commission.** The Commission shall consider the recommendation of the HPC in deciding whether to approve a final site plan including the proposed alteration. The Planning Commission shall approve only alterations that are not detrimental to the historic character or appearance of the structure, its appurtenances, or the streetscape.
- (e) **Nuisance.** The applicant must provide guarantees as deemed necessary by the Board that the use will not constitute a nuisance or otherwise be disruptive to the neighborhood because of increased traffic, noise, odor, or other activity associated with the commercial activity.
- (f) **Parking.** Except as otherwise provided in this subsection (f), parking shall be provided in accordance with Section 607 of this LMC. The Board may approve modified parking requirements if reasonable mitigation is provided or the historic significance of the structure or its site would be negatively impacted by the provision of parking in accordance with Section 607.

- (g) **Signage.** One non-illuminated sign may be installed at each major entrance to the site. Each sign must be four feet or less in height and 32 square feet or less in area.
- (h) **Additional Requirements for Certain Uses.**
 - (1) **Restaurant with Entertainment.** The use of a historically significant structure as a restaurant with entertainment is subject to the requirements of Section 856 of this LMC.
 - (2) **Winery.** The use of a historically significant structure as a winery is subject to the requirements of Section 857, subsections (a) and (c) through (f) of this LMC.
- (i) **Other Laws.** A use permitted under this Section 813 is subject to all other applicable laws and regulations, including but not limited to review by the Historic Preservation Commission and Planning Commission.

SECTION 2. In the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION 3. This ordinance shall take effect on _____ 2012, and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

APPROVED:

PASSED:

Randy McClement, Mayor

**Randy McClement President,
Board of Aldermen**

Approved for Legal Sufficiency:

Legal Department

Sec. 813 COMMERCIAL USE IN HISTORIC STRUCTURES

Historically significant structures may be converted to certain specified commercial uses in any zoning district provided that all of the following conditions and requirements can be met:

- (a) Historically significant structures shall only be those structures that are designated as a historic site or located within a historic district and/or listed on the City's inventory of historic resources. Additions or changes to the exterior which are not detrimental to the historic character or appearance of the building or its appurtenances or streetscape shall be approved by the Historic Preservation Commission if the structure is in the HDO district or by the Planning Commission if the structure is located out of the HDO.
- (b) The structure(s) and appurtenances on the same lot may be converted into a restaurant, antique or gift shop, museum, information center, business or professional offices or other functionally similar uses that the Board deems appropriate provided that off-street parking is provided and that the use meets all other provisions of this ordinance.
- (c) The applicant must provide guarantees as deemed necessary by the Board that a proposed commercial use will not alter the significant historic character of the building or lot and that such use will not constitute a nuisance because of increased traffic, noise, odor, or other activity associated with the commercial activity which would be disruptive to the neighborhood.
- (d) One nonilluminated sign for each major entrance shall be permitted provided no sign exceeds thirty two (32) square feet in size or is greater than four (4) feet in height. A rendering of all proposed signs must be approved by the Planning Department or Commission who will review them in consultation with the Historic Preservation Commission.
- (e) Live entertainment may be permitted in conjunction with approval by the Board of a conditional use for a restaurant with entertainment use in conformance with Section 856 of this Code and provided the sound levels shall conform to § 15-21 of the City Code.

⁴²**Sec. 857 WINERY**

A Winery is permitted as a conditional use in certain zoning districts as specified in the Use Matrix - Table 404-1 and subject to compliance with the following criteria:

- (a) A winery shall comply with all regulations of the Maryland Annotated Code, Article 2B, and the Frederick County Alcoholic Beverages Regulations, including but not limited to any licensing provisions, and shall submit copies of all such licenses with the Conditional Use Application.
- (b) Except in the DB and MU zoning districts, the closest point of a winery structure may not be located less than 500 feet from a residentially zoned lot.
- (c) No more than forty (40%) percent of the total facility square footage may be used for accessory components of the operation including retail sales, tastings, and events.
- (d) A scaled building floor plan showing all components of the winery operations shall be submitted with the application along with the square footages of each area. Such plan shall depict at a minimum the following:

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Article 8
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ingress and egress points, manufacturing, storage, parking and loading, offices, public areas for tours, tasting, events, restrooms, and retail sales. Any areas outside the building (patios, terraces, plazas, etc.) to be used for events and tastings must also be shown and dimensioned.

- (e) Parking as required in § 607 shall be provided and it must be demonstrated that such parking will not have a substantial adverse impact on the adjacent neighborhood or properties.
- (f) Live entertainment is permitted. Entertainment which includes sexual conduct, nudity, or obscenity is prohibited. In the application, the applicant shall specify the type of entertainment and days of the week and hours of the day in which entertainment is to be performed.
- (g) The applicant shall provide guarantees as deemed necessary by the ZBA that the winery will not constitute a nuisance because of noise or other activities associated with the use. See LMC Section 319.
- (h) Noise levels generated by the operation of the winery may not exceed the levels set forth in § 15-21 et. seq. of the Frederick City Code.

Parking			
<i>Use</i>	<i>Minimum Parking Spaces</i>	<i>Maximum Parking Spaces</i>	<i>Minimum Bicycle Parking</i>
Radio, TV Sales and Repair	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Residential/Commercial Mixed Use	See Mixed Use Section	See Mixed Use Section	1 per 10 vehicle spaces
Restaurant, General	1 per 4 seats	1 per 2.5 seats	1 per 10 vehicle spaces
Restaurant, Fast Food	1 per 3.5 seats	1 per 2 seats	1 per 10 vehicle spaces
Restaurant with Entertainment	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Retail Sales or Service, Not Otherwise Listed	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Shoes	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Shopping Center	1 per 250 sf	1 per 150 sf	1 per 10 vehicle spaces
Sporting goods	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Tailoring	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Taxidermy	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Tires, Batteries, Mufflers	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Tobacco Products	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Toys	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Truck Sales & Rental (Over 1 ton)	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Upholstery, Curtain, Drapery Service	1 per 500 sf	1 per 150 sf	1 per 10 vehicle spaces
Used Merchandise Auction	1 per employee plus 1 per 4 spaces of seating area	1.2 per employee plus 1 per 4 spaces of seating area	1 per 10 vehicle spaces
Vehicle Services, Generally	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Vehicle Services, Auto Repair Shop	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Vehicle Services, Other Vehicle Repair and Service Shop	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Vehicle Services, Truck (1-ton+) Service and Repair Shop	1 per 500 sf including service bays, wash tunnels and retail areas	1 per 375 sf including service bays, wash tunnels and retail areas	Not applicable
Veterinary Clinic	1 per 1,500 sf	1 per 150 sf	Not applicable
Videotape (Sales or Rental)	1 per 300 sf	1 per 150 sf	1 per 10 vehicle spaces
Warehouse clubs and superstores	1 per 250 sf	1 per 150 sf	1 per 10 vehicle spaces
Winery	1 per 75 sf	1 per 50 sf	1 per 10 vehicle spaces
Industrial & Manufacturing Uses			
Aircraft, Industrial Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Appliances, Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Automobile, Assembly Production	1 per 1,500 sf	Not applicable	Not applicable
Brick, Tile, Clay Products Manufacture	1 per 1,500 sf	1 per 300 sf	Not applicable
Cement Manufacture	1 per 1,500 sf	Not applicable	Not applicable
Chemicals & Plastics Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Clothing, Cloth Goods Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable

